

**IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF OKLAHOMA**

**JULIE HUFF**

**Plaintiff,**

**v.**

**1) CITY OF EUFAULA,  
OKLAHOMA;  
2) EUFAULA CHIEF OF POLICE  
DON MURRAY;  
3) EUFAULA POLICE OFFICER  
CASEY TORRIX;  
4) McINTOSH COUNTY SHERIFF  
KEVIN LEDBETTER;**

**Defendants.**

**Case No. 18-CV-22-RAW**

**Jury Trial Requested  
Attorney Lien Claimed**

**PLAINTIFF’S MOTION TO FILE THIRD AMENDED COMPLAINT  
TO JOIN ADDITIONAL CLAIMS AND 1 DEFENDENT**

**COMES NOW** the Plaintiff and moves the Court to grant leave to file a Third Amended Complaint in order to join additional claims and one (1) defendant who was named in the state action previously filed in McIntosh County, and in support thereof state as follows:

1. Plaintiff’s counsel has attempted to confer with Defense counsel pursuant to Local Civil Rule 7.1(f). Thus far, only Defendant Ledbetter has responded and objected to Plaintiff’s Motion for Leave. However, it is anticipated that the other Defendants will also object and will oppose this Motion.

2. This action stems for a horrific event that occurred in McIntosh County at the Bank of Eufaula. A bank robber (Cedric Norris) entered the Bank of Eufaula. He approached the bank president, Randy Peterson. When Peterson refused to open the safe, Norris shot and killed him. Norris then shot two (2) other bank employees before kidnapping a bank customer, Plaintiff Julie

Huff, at gunpoint and forcing her to drive a mini-van Norris had recently stolen. Julie was forced to drive the mini-van while Norris pointed a gun at her. Several law enforcement vehicles pursued the mini-van out of town including Oklahoma State Trooper Christopher Reeves. City of Eufaula Officer Casey Torrix and a McIntosh County Deputy. All law enforcement personnel were informed by the dispatcher that Julie Huff was a hostage. Trooper Reeves eventually “spun out” the mini-van and it came to rest in a ditch on a county road. Julie exited the vehicle to attempt to escape from Norris. She ran into the adjacent field with her hands up. Norris exited the vehicle and began exchanging gun fire with law enforcement. Norris then ran around the vehicle and caught up to Julie. Norris held Julie from behind and was using her as a “human shield.” Law enforcement then shot through Julie and killed Norris. Julie was shot nine (9) times by law enforcement. She suffered very severe injuries. These facts are included in the OSBI letter attached as Exhibit 1.

3. Plaintiff filed an action against the Bank of Eufaula in Muskogee County, Oklahoma court. That action has been had considerable litigation already including a Writ to the Oklahoma Supreme Court which was sustained. Discovery is well under way in that matter against the Bank of Eufaula.

4. Plaintiff also filed a State Governmental Tort Claims against the various law enforcement entities and Tulsa County, Creek County and the Department of Corrections. The claims against Tulsa County, Creek County and the DOC were for improperly allowing the release of Norris from prison. After the GTCA claims were denied, Plaintiff timely filed an action against all these Defendants in McIntosh County, Oklahoma CJ-2017-89. A copy of the McIntosh County Petition is attached as Exhibit 2. Plaintiff dismissed the McIntosh County case without prejudice.

The deadline to refile that case is in November 2018. A copy of the Dismissal Without Prejudice is attached as Exhibit 3.

5. It should be noted that the Estate of Randy Peterson also filed claims against Tulsa County, Creek County and the DOC for improperly allowing Norris to be released from prison. This case was also filed in McIntosh County CJ-2017-46. The Defendants in the Peterson case filed a Motion to Dismiss which was granted. The Peterson case is currently on appeal DF-116760.

6. Plaintiff Julie Huff planned to wait until the Peterson appeal had been decided before refileing her case in McIntosh County. In the meantime, Plaintiff has been vigorously pursuing her case against the Bank of Eufaula pending in Muskogee County. Unfortunately, the Peterson appeal is moving very slowly. It has become apparent that the Peterson appeal will not be concluded before Plaintiff needs to refile the McIntosh County case in November 2018.

7. Therefore, Plaintiff Julie Huff desires to consolidate all her claims against the various law enforcement entities into this present federal case. Plaintiff will keep her claims against Tulsa County, Creek County and the DOC in state court. However, Plaintiff asks to bring all other claims from the McIntosh County litigation into the present federal case.

8. The deadline for joining parties and claims has only recently passed. Leave of Court is required. Plaintiff apologizes for not filing this Motion for Leave within the Amendment deadline. Plaintiff was hopeful the Peterson appeal would be further along. Since it is now apparent the Peterson appeal will not be concluded, Plaintiff desires to have all her claims against the law enforcement entities in the same litigation.

9. This case will not be delayed by the granting of leave. The only Defendant that will be added is Oklahoma Highway Patrol Chief Ricky Adams. Oklahoma Highway Patrol

Trooper Reeves is already a Defendant in this case. Chief Adams will likely be represented by the same counsel as Trooper Reeves. The adding of additional claims against the Defendants already in this case will not delay this matter nor will it unduly prejudice the Defendants.

**WHEREFORE**, premises considered, Plaintiff respectfully requests that the Court grant leave to file a Third Amended Complaint to join an additional Defendant from the dormant McIntosh County litigation with the exception of Tulsa County, Creek County and the Department of Corrections. Plaintiff desires for her claims against those entities to remain in State Court.

Respectfully submitted,

By: /s/ J. Derek Ingle  
J. DEREK INGLE, OBA# 16509  
BOETTCHER DEVINNEY INGLE & WICKER  
2202 E. 49<sup>th</sup> Street, Suite 600  
Tulsa, OK 74105  
(918) 728-6500 - Telephone  
(539) 664-4129 - Facsimile  
[Derek.Ingle@BDIWlaw.com](mailto:Derek.Ingle@BDIWlaw.com)  
*Counsel for Plaintiff Julie Huff*

**Certificate of ECF Filing / Service**

I certify on the 25<sup>th</sup> day of September, 2018, I caused to be filed electronically the foregoing document to the Clerk of the Court using the ECF System.

/s/ J. Derek Ingle